

EXHIBIT “1”

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

MANUEL ACOSTA, et al., individually :
and on behalf of a class of others :
similarly situated, : Case No. 8:08-cv-00086-JFB-TDT

Plaintiffs, : ELECTRONICALLY FILED

v. : DECLARATION OF BRIAN P.
TYSON FOODS, INC. : MCCAFFERTY IN SUPPORT OF
Defendant. : PLAINTIFFS' MOTION FOR
: RULE 23 CLASS CERTIFICATION

I, Brian P. McCafferty, pursuant to 28 U.S.C. § 1746, state that I have personal knowledge of the matters described in this Declaration. If called to testify regarding these facts, I am competent to do so and would testify as follows:

1. I am an attorney with Kenney & McCafferty Law Firm in Plymouth Meeting, PA and I am lead counsel for the Plaintiffs in this litigation.
2. The document attached as **Exhibit "A"** to Plaintiffs' Brief is a true and correct copy of excerpts of the May 19, 2010 Deposition of Mary Unger.
3. The document attached as **Exhibit "B"** to Plaintiffs' Brief is a true and correct copy of excerpts of the May 19, 2010 Deposition of William O'Connor.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.



Brian P. McCafferty

Dated: June 8, 2010